



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2023-461
June 28, 2024

STATE OF EMERGENCY

Beginning on April 29, 2022, and continuing, an ongoing water shortage has existed in the City of Marion in Crittenden County because of the need to empty Lake George in response to a levee failure;

Lake George is the primary reservoir supplying water to the residents and businesses of the City of Marion, and repair of the levee will require months;

Limited rainfall and unseasonably warm weather have caused the water shortage to become critical in recent days;

These conditions endanger public health and safety and/or public and private property;

State and local governments share responsibility for protection of public health, safety, and security, as well as for the protection of public and private property and for taking appropriate actions to ensure the provision of essential public services;

On June 17, 2022, the Mayor of the City of Marion in Crittenden County submitted a written request for state assistance and the issuance of a declaration of a state of emergency;

On June 18, 2022, I declared by Executive Order 2022-349 that a state of emergency existed in the Commonwealth of Kentucky;

On July 18, 2022, at the request of the Mayor of the City of Mayor, the Crittenden County Judge/Executive, the Mayor of the City of Sturgis, and the Union County Judge/Executive that the state of emergency be extended through December 31, 2022, I declared by Executive Order 2022-417 that a state of emergency continued to exist in the Commonwealth of Kentucky, and extended Executive Order 2022-349 through December 31, 2022 in the local jurisdictions of: the City of Marion, Kentucky; Crittenden County, Kentucky; the City of Sturgis, Kentucky; and Union County, Kentucky;

On December 29, 2022, at the request of the Mayor of the City of Mayor, the Crittenden County Judge/Executive, the Mayor of the City of Sturgis, and the Union County Judge/Executive that the state of emergency be extended through June 30, 2023, I declared by Executive Order 2022-879 that a state of emergency continued to exist in the Commonwealth of Kentucky, and extended Executive Order 2022-349 through June 30, 2023 in the local jurisdictions of: the City of Marion, Kentucky; Crittenden County, Kentucky; the City of Sturgis, Kentucky; and Union County, Kentucky;

On June 28, 2023, at the request of the Mayor of the City of Marion and the Crittenden County Judge/Executive that the state of emergency be extended through June 30, 2024, I declared by Executive Order 2023-364 that a state of emergency continued to exist in the Commonwealth of Kentucky, and extended Executive Order 2022-349 through June 30, 2024 in the local jurisdictions of: the City of Marion, Kentucky; Crittenden County, Kentucky;



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As part of the efforts during the state of emergency and in addition to the effective response of Team Kentucky, agencies have been working with the City of Sturgis in Union County, Kentucky, including in assisting with potentially providing water to the City of Marion, and Livingston County and Webster County have assisted in helping make water available to the City of Marion;

Under KRS 39A.090(2)(b), the state of emergency declared under Executive Order 2022-349 may exceed 30 days if requested by a chief executive officer or a legislative body of a local government only for that local government and only for the period of time requested by the chief executive officer or legislative body;

The Mayor of the City of Marion and the Crittenden County Judge/Executive have written letters attached to this order requesting that I extend Executive Order 2022-349, as extended through Executive Order 2023-364, and the state of emergency through December 31, 2024;

The state of emergency continues;

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of Kentucky and by KRS Chapter 39A and KRS 151.200, do hereby declare that a State of Emergency continues to exist in the Commonwealth of Kentucky, and do hereby Order and Direct that Executive Order 2022-349, as extended through Executive Order 2023-364, be extended through December 31, 2024 in the following local jurisdictions:

City of Marion, Kentucky; and
Crittenden County, Kentucky.

This order shall be effective June 28, 2024.



A handwritten signature of Andy Beshear in black ink.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

RECEIVED AND FILED
DATE 7/2/2024

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY [Signature]



CITY OF MARION

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AN ALL KENTUCKY CITY

D'ANNA BROWNING
Mayor

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Hon. Andy Beshear
Governor
Commonwealth of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

June 5, 2024

Dear Governor Beshear,

As the City of Marion continues in its efforts in replacing its source of raw water, the State of Emergency is still a necessity. Therefore, pursuant to KRS 39A.090(2)(b), I am requesting that you extend Executive Order 2023-364 and the State of Emergency declared under it through December 31, 2024. This continuation is necessary to protect the health, safety, and welfare of the public, and to ensure the essential public services are provided to prevent a complete loss of water to the residents and customers of the City of Marion. Much work has been accomplished during the ongoing state of emergency stabilizing the levee with great assistance from your administration. Your support and concern is deeply appreciated.

On behalf of the City and myself, I would again thank you for your and your administration's support in our continued time of need.

Sincerely,

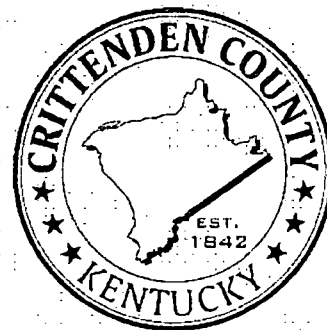

D'Anna Browning
Mayor

WE ARE AN EQUAL OPPORTUNITY EMPLOYER



Crittenden County Judge Executive

Perry Newcom



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June 5, 2024

The Honorable Andy Beshear, Governor
Commonwealth of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

Dear Governor Beshear,

Please accept this letter of request on behalf of Crittenden County's support for the ongoing efforts of the City of Marion to replace its raw water source following the deterioration of their sole source lake levy April 29, 2022.

Due to the fact this is an ongoing issue, and the process of replacement is a long-term solution, the current State of Emergency is still a necessity. Therefore, pursuant to KRS39A.090 (2)(b), I am requesting that you extend Executive Order 2023-364 which extended Executive Order 2022-879 which had extended Executive Order 2022-417, and the original State of Emergency, 2022-349 declared under it through December 31, 2024. This continuation is necessary to protect the health, safety, and welfare of the public, and to ensure the essential public services are provided to prevent a complete loss of water to the residents and customers of the City of Marion. This latest necessity to request another extension is based on weather and materials delays in the work being achieved to stabilize the Lake George levee and help ensure the City of Marion has an adequate amount of raw water reserves from which to meet the needs of their daily demands for water.

In closing, I would like to extend my most sincere thanks and appreciation for every effort of assistance you, KYEM, DOW, and other agencies have provided to help our community navigate this unprecedented issue. I look forward to learning the declaration has been approved for extension as the City of Marion, the County of Crittenden, and other regional partners work together to provide water security for all concerned.

Respectfully,

Perry A. Newcom, Crittenden Co. Judge Executive